

FRED GRIMM | IN MY OPINION

Bail bondsmen operating outside legal norms

• GRIMM, FROM 1B

a private gym "and pull back the shower curtains and point Tasers at naked men" without breaking the law.

Nor was the management of the David Barton Gym and Spa management pleased that bail bondsmen would send their commandos into those ritzy environs on a busy evening to nab a couple of fugitives. The company issued a statement after the raid, complaining, "They simply ignored our normal security measures, including building security guard on duty. We feel that they put our members and staff at risk needlessly."

Actual police officers, actual government agents, actual public employees would have surely been more circumspect. Cops would have needed a warrant to raid a private club. But licensed bail bondsmen operate in a kind of legal netherworld, along with their agents (known variously as skip tracers, bail recovery agents, fugitive recovery agents and sometimes as bounty hunters, though Florida law does not allow the industry to employ that particular term).

"The Constitution doesn't apply to them. That's what most people don't understand," said

Howard Finkelstein, the Broward public defender who has tangled with the bail bond industry over a number of legal issues (including bail bondsmen's years-long campaign to get rid of the pretrial intervention programs that cut into their profit margins).

He explained that bail bondsmen — a sexist misnomer, given that 40 percent are women — operate under a peculiar theory of contract law that suggests a defendant has agreed to surrender his rights to the bail bond agent. Somehow that status gives bail bondsmen and their agents extraordinary latitude when they go out to retrieve some AWOL client. "The police could never just break down my door or come through my window without a warrant. Or storm into a gym," Finkelstein said.

He added that the bail bond agents, along with their extra-legal powers, have a reputation for employing fellows whose résumés would not get them past a police agency's employment office. "Many of these people, on their best days, are sketchy."

In 2009, the New York University Review of Law and Social Change published a legal analysis of bail bond agents "who have been a part of the American criminal justice landscape since the 18th century."

Rebecca B. Fisher wrote, "They are empowered to engage in various levels of intrusion upon privacy which the law forbids the police and private citizens from making. Since the country's founding, courts have upheld bounty hunters' right to pursue bail skippers across state lines,

to apprehend them — even by breaking and entering the individual's home in the middle of the night, and to transport them back to court in other states without extradition proceedings."

Two 19th century decisions by the U.S. Supreme Court seem to have exempted bail bond agents from legal restraints faced by law enforcement. An 1872 decision held that defendants surrender their civil rights when a bondsman bailes them out of jail. In 1888, after hearing a case that came out of the notorious Hatfields and McCoy's feud in the Appalachian Mountains, the court decided Kentucky courts could try members of the Hatfield clan on murder charges though the defendants had

been kidnapped in West Virginia by bounty hunters and hauled across the state line.

Among the world's judicial systems, only the U.S. and the Philippines employ a legal construct in which a defendant, presumed innocent, must pay a for-profit enterprise a nonrefundable fee to get out of jail while he's waiting trial. Four states — Illinois, Kentucky, Oregon and Wisconsin — have abolished bail bondsmen. Not, of course, Florida. "This is just a weird throwback to another era," Finkelstein said.

Folks in South Florida's poorer precincts are plenty familiar with the rough ways of bail bondsmen, unfettered by the civil rights niceties most of us take for granted. But on Tuesday,

they imported their cowboy tactics to South Beach, to a gym with a decor described in Miami.com as a "Moroccan-Tunisian dreamscape against a backdrop of thumping club music and dim lights. There are dressing room lights, cracked mirrors, black tile mosaics and huge wall benches. Ten roomy treatment rooms are clean and rather masculine, but not cold."

Members in such a place can't easily comprehend this strange legal construct that allows a squad of private gun thugs to storm their private environs, roust them naked from their showers and hold them in lockdown. "We can't stand for this," Linnen insisted. But an anachronism of American justice insists we must.

The School Board of Broward County, Florida
Notice of Committee Meeting
Eliminating the Schoolhouse to Jailhouse Pipeline
June 12, 2013
12:00 p.m.
KCV Building/Board Room
600 Southeast Third Avenue
Fort Lauderdale 33301

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Notice is hereby given that two or more Board Members of the School Board of Broward County, Florida, may be participating.

MIAMI BEACH CITY OF MIAMI BEACH NOTICE OF SPECIAL FINANCE AND CITYWIDE PROJECTS COMMITTEE MEETING

NOTICE IS HEREBY given that the City Commission of the City of Miami Beach, Florida, will hold a **Special Finance and Citywide Projects Committee Meeting** on **Wednesday, May 22, 2013 at 3:00 p.m.**, in the Third Floor Training Room, 1755 Meridian Avenue, Miami Beach, Florida, to discuss the Miami Beach Convention Center Proposals and the Miami Beach Convention Center Master Plans.

All interested parties are invited to attend. Inquiries concerning this meeting should be directed to the City Manager's Office, at (305) 673-7010.

Rafael E. Granado, City Clerk
City of Miami Beach

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any City-sponsored proceeding, please contact us five days in advance at (305) 673-7411 (voice) or TTY users may also call the Florida Relay Service at 711.

Ad # 782

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA MEETINGS SUBJECT TO CHANGE OR CANCELLATION

| Date | Meeting | Place |
|------------------------|--|--|
| 5/22/13 6:30 pm | ESE Advisory Council Meeting | Piper High School, Small Auditorium 8000 SW 44 Street, Sunrise |
| 5/29/13 10 am-1 pm | ESE By-Laws Committee | Northwest Regional Library 3151 N. University Dr., Coral Springs |
| 5/31/13 10 am-1 pm | ESE By-Laws Committee | Northwest Regional Library 3151 N. University Dr., Coral Springs |
| 6/3/13 2:30-4:30 pm | Technology Advisory Committee (TAC) | BECON - MGM Room 6600 SW Nova Drive, Davie |
| 6/3/13 10 am-12 pm | ESE Advisory Council Meeting | KCV Bldg., 10 th Fl. Conf. Room 600 SE 3 rd Avenue, Ft. Lauderdale |
| 6/5/13 9:00 am | (OSCE) Review of Contractors Pre-Qualification Applications | Sawgrass Tech Park, Bldg. H 1643 N. Harrison Pkwy., Sunrise |
| 6/5/13 10 am-1 pm | ESE By-Laws Committee | Northwest Regional Library 3151 N. University Dr., Coral Springs |
| 6/5/13 6:30 pm | District Advisory Council (DAC) Steering Meeting | TBA |
| 6/6/13 4:30-6:30 pm | Diversity Committee - School Site Visitation Sub-Committee | KCV Bldg., Board Room 600 SE 3 rd Avenue, Ft. Lauderdale |
| 6/6/13 6:10-6:15 pm | Diversity Committee - Indicators Revision Sub-Committee | KCV Bldg., Board Room 600 SE 3 rd Avenue, Ft. Lauderdale |
| 6/6/13 6:30-6:30 pm | Diversity Committee - Textbooks, Technology, Media Center Sub-Committee | KCV Bldg., Board Room 600 SE 3 rd Avenue, Ft. Lauderdale |
| 6/6/13 6:30-6:30 pm | Diversity Committee - Specific Diversity Issues Sub-Committee | KCV Bldg., Board Room 600 SE 3 rd Avenue, Ft. Lauderdale |
| 6/6/13 6:30-6:30 pm | Diversity Committee - Student Discipline/ Suspensions Sub-Committee | KCV Bldg., Board Room 600 SE 3 rd Avenue, Ft. Lauderdale |
| 6/6/13 6:30-8:30 pm | Diversity Committee - General Meeting | KCV Bldg., Board Room 600 SE 3 rd Avenue, Ft. Lauderdale |
| 6/6/13 7-10 pm | Facilities Task Force Sub-Committee - General Meeting | Dillard High School Room 209 2501 NW 11 th Street, Ft. Lauderdale |
| 6/10/13 1-3 pm | Diversity Committee - School Site Visitation Sub-Committee | KCV Bldg., 6 th Fl., #607 600 SE 3 rd Avenue, Ft. Lauderdale |
| 6/13/13 6:30 pm | District Advisory Council (DAC) Steering Meeting | TBA |
| 6/17/13 11 am-12 pm | Diversity Committee - Chair, Vice-Chair & Staff Member Meeting | KCV Bldg., 6 th Fl., #607 600 SE 3 rd Avenue, Ft. Lauderdale |
| 6/17/13 12-1 pm | Diversity Committee - Revision Indicators Sub-Committee | KCV Bldg., 6 th Fl., #607 600 SE 3 rd Avenue, Ft. Lauderdale |
| 6/17/13 1-3 pm | Diversity Committee - School Site Visitation Sub-Committee | KCV Bldg., 6 th Fl., #607 600 SE 3 rd Avenue, Ft. Lauderdale |
| 6/19/13 10 am | Superintendent's Insurance Advisory Committee | KCV Bldg., Board Room 600 SE 3 rd Avenue, Ft. Lauderdale (Purpose: Evaluate responses to RFP 14-010P Group Term Life & Accidental Death and Dismemberment and any other matters the Committee deems important.) |
| 6/20/13 12-20 pm | Audit Committee | KCV Bldg., TBA 600 SE 3 rd Avenue, Ft. Lauderdale |
| 6/20/13 10 am | Superintendent's Insurance Advisory Committee | TSCC Annex Bldg. (Lobby of former Bank of America) 7770 W. Oakland Pk., Blvd., Sunrise (Purpose: Evaluate responses to RFP 14-010P Group Medical Benefits for School Board Employees and any other matters the Committee deems important.) |

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